

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

V.

1:20-CV-908-RP

DAVID CARTU, JONATHAN CARTU,
JOSHUA CARTU, RYAN MASTEN,
LEEAV PERETZ, NATI PERETZ,
ALL OUT MARKETING LIMITED,
BAREIT MEDIA LLC d/b/a SIGNALPUSH,
BLUE MOON INVESTMENTS LTD., and
ORLANDO UNION INC.,

Defendants.

ORDER

On February 7, 2022, Defendants Joshua Cartu, David Cartu, and Jonathan Cartu (“Cartu Defendants”) filed motions to dismiss Plaintiff Commodity Future Trading Commission’s (“CFTC”) complaint. (Mots. Dismiss, Dkts. 58, 59, 60). The Court referred the motions to United States Magistrate Judge Dustin Howell for a report and recommendation. On May 23, 2022, Judge Howell issued his report and recommendation, where he recommended that the Court dismiss the complaint for lack of personal jurisdiction, but also noted that CFTC may wish to conduct limited jurisdictional discovery. (R.& R., Dkt. 77).

CFTC then filed a motion for leave to conduct jurisdictional discovery, which Judge Howell granted in part. (Mot., Dkt. 79; Order, Dkt. 84). The Court then mooted the motions to dismiss. (Text Orders dated July 11, 2022). The Cartu Defendants filed an unopposed motion for extension of time to complete discovery, which the Court granted. (Mot., Dkt. 86). The Court ordered that the parties file an amended agreed scheduling order after completion of jurisdictional discovery. (Text Order dated August 5, 2022). To date, the parties have not filed an amended scheduling order.

In addition to the Cartu Defendants, CFTC a motion for Clerk's Entry of Default against Defendants Leeav Peretz, Nati Peretz, Blue Moon Investments Ltd., and Orlando Union Inc. on November 2, 2021. (Mot., Dkt. 45). The Clerk of the Court entered default the same day. (Clerk's Entry of Default, Dkt. 46). To this date, CFTC has not filed a motion for entry of default judgment against any of these Defendants.

Accordingly, **IT IS ORDERED** that CFTC file a motion for entry of default judgment against Defendants Leeav Peretz, Nati Peretz, Blue Moon Investments Ltd., and Orlando Union Inc. on or before **March 3, 2023**.

IT IS FURTHER ORDERED that CFTC and the Cartu Defendants shall file a joint status report on the status of the jurisdictional discovery on or before **February 16, 2023**.

Because Judge Howell recommended that the Court grant the Cartu Defendants' motions to dismiss and CFTC has not filed an amended complaint, **IT IS FURTHER ORDERED** that CFTC file dismissal papers or an amended complaint against the Cartu Defendants on or before **March 3, 2023**.

IT IS FINALLY ORDERED that CFTC and all Defendants file a joint proposed amended scheduling order on or before **March 17, 2023**.

SIGNED on February 2, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE